

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

ORDER

v.

06-cr-179-bbc-01

RALPH SHANNON,

Defendant.

A hearing on the probation office's petition for judicial review of Ralph Shannon's supervised release was held on November 28, 2011, before U.S. District Judge Barbara B. Crabb. The government appeared by Assistant U.S. Attorney Laura Przybylinski Finn. Defendant was present in person and by counsel, Anthony C. Delyea. Also present was U.S. Probation Officer Michael J. Nolan.

From the record and the parties' stipulation, I make the following findings of fact.

FACTS

Defendant was sentenced in the Western District of Wisconsin on July 17, 2007, following his conviction for possession of child pornography, in violation of 18 U.S.C. § 2252(a)(4). This offense is a Class C felony. Defendant was committed to the custody of the Bureau of Prisons to serve a term of 46 months' imprisonment followed by a life term of supervised release.

On August 20, 2010, defendant began his term of supervised release in the Western District of Wisconsin. On November 15, 2010, his supervision conditions were modified to add Special Condition No. 9, extending defendant's placement at Rock Valley Community Programs (RVCP) for up to 120 days.

On August 26, 2011, defendant violated Special Condition No. 2, prohibiting him from possessing a connected device on his computer without prior permission from his probation officer, when he possessed a web camera without authorization.

Defendant's conduct falls into the category of a Grade C violation. In addressing such violations, the court has the discretion to revoke supervised release, extend it or modify the conditions of release.

CONCLUSIONS

Defendant's violations warrant revocation. Accordingly, the life term of supervised release imposed on defendant on July 17, 2007 will be revoked.

Defendant's criminal history category is I. With a Grade C violation, defendant has an advisory guideline term of imprisonment range of 3 to 9 months. Under 18 U.S.C. § 3583(e)(3), the statutory maximum sentence of imprisonment upon revocation is 24 months because the offense is a Class C felony. 18 U.S.C. § 3583(h) authorizes another term of supervised release to follow imprisonment.

After reviewing the non-binding policy statements of Chapter 7 of the Sentencing Guidelines, I have selected a sentence below the guideline range. The intent of this sentence is to hold defendant accountable for his violations, reflect the seriousness of his violations

and protect the community.

ORDER

IT IS ORDERED that the period of supervised release imposed on defendant on July 19, 2007 is REVOKED and defendant is committed to the custody of the Bureau of Prisons for a term of 28 days with a life term of supervised release to follow. All standard and special conditions previously imposed are reinstated with the addition of the following special condition:

Special Condition No. 10: Defendant shall not possess any material containing sexually explicit conduct as defined in 18 U.S.C. § 2256(2), including pictures, photographs, books, writings, drawings, videos, video games and child pornography, as defined in 18 U.S.C. § 2256(8).

Defendant does not have the financial means or earning capacity to pay the cost of incarceration. Defendant is to be registered with local law enforcement agencies and the state attorney general before his release from confinement.

Defendant is neither a flight risk nor a danger to the community. Accordingly, execution of the sentence of imprisonment is stayed until December 1, 2011, when defendant is to turn himself in to the United States Marshals Service between the hours of 10:00 a.m. and noon.

Entered this 28th day of November 2011

BY THE COURT:

/s/
BARBARA B. CRABB
District Judge